

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STEVEN G. MILLETT,

MELODY J. MILLETT,

On Behalf of Themselves and

All Others Similarly Situated,

Plaintiffs,

vs.

C.A. No. 05-599-SLR

TRUBLINK, INC.,

Class Action

a Trans Union Company,

Jury Trial Demanded

Defendant.

VIDEOTAPED DEPOSITION OF STEVEN G.

MILLETT, a Plaintiff, taken on behalf of the

Defendant before Nissa M. Sharp, CSR, CCR #528,

pursuant to Notice on the 30th of March, 2007,

at the offices of THE CLOON LAW FIRM, 11350

Tomahawk Creek Parkway, Suite 100, Leawood,

Kansas.

COPY

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APPEARANCES

Appearing for the Plaintiffs was
MR. BRYSON R. CLOON of THE CLOON LAW FIRM, 11150
Overbrook Road, Suite 350, Leawood, Kansas
66211.

Also appearing for the Plaintiffs was
MR. BARRY R. GRISSOM, 7270 West 98th Terrace,
Building 7, Suite 220, Overland Park, Kansas
66212.

Appearing for the Defendant was
MR. MICHAEL O'NEIL of DLA PIPER US, LLP, 203
North LaSalle Street, Suite 1900, Chicago,
Illinois 60601-1293.

Also present was Heather Schuman of DLA
Piper.

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STEVEN G. MILLETT

Examination by Mr. O'Neil

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1 A. Their case is different.

2 Q. How is that case different?

3 A. Because I didn't know I was a victim of
4 identity theft when we purchased that.

5 Q. So, when you purchased the Equifax
6 product, you didn't know that somebody had
7 stolen your Social Security number, right?

8 A. I -- what had happened is I went to the
9 bank and somebody was on my account and I
10 thought, well, it's a banking error, so that's
11 why we bought the Equifax product. She looked
12 at it and there was nothing on it, so we
13 thought, well, it's production from identity
14 theft, I'm okay. But that's not the case.

15 Q. You later found that in fact somebody
16 else was using your Social Security number,
17 right?

18 A. Right.

19 Q. And Equifax never told you that, right?

20 A. Correct.

21 Q. So, how is the case against Equifax
22 different than the case against Trans Union?

23 A. I -- just what I stated. I mean...

24 Q. Okay. So, at the time you bought the
25 Trans Union product, you already knew that

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1 somebody had stolen your Social Security number,
2 right?

3 A. Right.

4 Q. Okay. So, you didn't need to have
5 Trans Union tell you that, you already knew
6 that, right?

7 A. Right.

8 THE WITNESS: I was wondering if
9 I could take a break?

10 MR. O'NEIL: Sure.

11 THE WITNESS: Okay.

12 VIDEOGRAPHER: We are now going
13 off the record at 9:13 AM.

14 (Recess.)

15 VIDEOGRAPHER: It is now 9:17 AM
16 and we are back on the record. You may
17 continue.

18 Q. (BY MR. O'NEIL) Thank you.
19 Mr. Millett, you told us that you've sued Trans
20 Union. Are you aware that your lawyers have
21 dismissed the case that they filed against Trans
22 Union?

23 A. I can't -- I don't -- I don't recall.
24 I mean...

25 Q. Okay. Isn't it true, Mr. Millett, that

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1 to buy the credit monitoring product, right?

2 A. Yes, sir.

3 Q. But was it your wife's idea that she
4 proposed to you that you filed all these
5 lawsuits?

6 A. No. We decided together to file all
7 these lawsuits.

8 Q. Why did you decide to file the
9 lawsuits?

10 A. Because we don't think it's right that
11 somebody's out there running around with my
12 Social Security number and you guys just letting
13 him do it.

14 Q. You think my clients are letting
15 Mr. Perez use your Social Security number?

16 A. Well, you have the right to maintain
17 the information. It's my information. I don't
18 want to be associated with this guy in any
19 shape, form or manner. I don't want it coming
20 back on me.

21 Q. Have you ever been associated with
22 Mr. Perez?

23 A. Well, yeah.

24 Q. In what way?

25 A. My Social Security number.

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1 A. I think I should be reimbursed my
2 money, and everybody who bought the product get
3 their money back, Kansas Protection Act and
4 injunctive relief and my lawyers' fees paid.

5 Q. How much in lawyers' fees have you
6 paid?

7 MR. CLOON: I'm going to object
8 to the form of the question. Lacks foundation.
9 Calls for speculation. He has not idea what
10 hours we spent in this case.

11 Q. (BY MR. O'NEIL) You can answer.

12 A. I don't know.

13 Q. Have you paid any money to your
14 lawyers?

15 A. Yes.

16 Q. How much?

17 A. I've paid -- including my first lawyer?
18 Adler?

19 Q. Are you seeking his fees in this case?

20 A. Well, I've spent \$12,000 on lawyer
21 fees.

22 Q. Are all those \$12,000 in connection
23 with the lawsuit that you brought against Trans
24 Union?

25 A. I'm not understanding the question.

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1 A. I mean, that's the gist of it.

2 Q. And so when you and your wife read
3 that, did you think, great, this product will
4 protect us from identity theft?

5 A. Yes, sir.

6 Q. Okay. Of course, you were already a
7 victim of identity theft, that's your
8 position, right?

9 A. Yes, sir.

10 Q. Okay. Has anybody else stolen your
11 identity since Mr. Perez did?

12 A. As far as I know, no.

13 Q. And, to your knowledge, has Mr. Perez
14 opened up any other accounts since you first
15 bought the product from Trans Union or Truelink?

16 A. I can't answer that, I don't know.

17 Q. Okay. So, as you sit here now, you
18 don't have any evidence that there was any
19 additional misuse of your Social Security number
20 after your wife first bought the product?

21 MR. CLOON: I'm going to object
22 to the form of the question. Lacks foundation.
23 Calls for speculation.

24 A. Can you repeat the question?

25 Q. (BY MR. O'NEIL) I'll ask the court

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1 reporter to repeat the question for you,
2 Mr. Millett.

3 (Whereupon, the requested portion
4 of the record was read by the reporter.)

5 MR. CLOON: Same objection.

6 A. Correct.

7 Q. (BY MR. O'NEIL) Okay. You also
8 mentioned something about the KCPA. Do you
9 recall saying that this morning?

10 A. Who?

11 Q. You also mentioned the Kansas Consumer
12 Protection Act?

13 A. Right. Right.

14 Q. What's that?

15 A. It's a law.

16 Q. Do you know anything more about it?

17 A. Well -- it's the Consumer Protection
18 Act, that's about all I know.

19 Q. Okay. You also said that you wanted to
20 have your money returned?

21 A. Right.

22 Q. What money do you want to have returned
23 to you?

24 A. What we paid for the product.

25 Q. The full amount that you paid for the

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1 product you want returned to you?

2 A. Well, it doesn't work, so we want our
3 money back.

4 Q. Did you ever ask Trans Union or
5 Truelink for a refund?

6 A. Not me personally, no.

7 Q. Has somebody else?

8 A. Well, my wife has.

9 Q. Really? When did she do that?

10 A. Well, I think she's did that. I
11 can't --

12 Q. Okay, well, your lawyer a couple times
13 this morning said calls for speculation, I don't
14 want you to speculate. I'm asking, do you have
15 any knowledge that anybody --

16 A. My wife handled that.

17 Q. So you don't have any knowledge then?

18 A. Yes, sir.

19 Q. Okay. So, as far as you know, you've
20 never asked Trans Union or Truelink for a
21 refund, right?

22 A. Correct.

23 Q. And at some point in time, you and your
24 wife decided that this product doesn't -- it
25 doesn't work, right?

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1 wife in your home?

2 A. Right.

3 Q. And are you aware that your wife made
4 statements about the lawsuits that you filed?

5 A. I'm not aware exactly what she talked
6 about.

7 Q. That wasn't my question, sir. Are you
8 aware that your wife made statements about the
9 lawsuits that you have filed?

10 A. Okay, yes.

11 Q. Are you aware that she made statements
12 about the products which are the subject of the
13 lawsuits?

14 A. I'm aware she talked about the
15 products.

16 Q. Did you ever read that article that
17 featured your picture of you and your wife in
18 your home?

19 A. No, I never read it.

20 Q. Okay. So, you're not aware that
21 Mrs. Millett said, quote, "I still have credit
22 monitoring because of the simple fact that it is
23 the best tool available at this time"? You're
24 not aware she said that?

25 A. No.

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1 Q. Did she ever tell you that she thought
2 that you should continue purchasing the credit
3 monitoring product?

4 A. No.

5 Q. And you don't know whether or not you
6 are purchasing the credit monitoring product; is
7 that correct?

8 A. That's correct.

9 Q. The lawsuit that you brought -- and
10 I'll represent to you, by the way, the current
11 lawsuit that we're having your deposition taken
12 today is not against Trans Union, it's against a
13 company called Truelink. Okay?

14 A. Okay.

15 Q. Okay. Are you aware that you are suing
16 Truelink, not only on your own behalf, but on
17 behalf of every person in the country who ever
18 bought credit monitoring from Truelink?

19 A. Yes, sir.

20 Q. Okay. And why are you doing that?

21 A. Because your product doesn't work.

22 Q. Well, that's your belief, right?

23 A. Well, it's deceptive.

24 Q. Okay. Putting aside what your wife
25 said about the product, you don't think the

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1 A. I think maybe I saw one. Everything is
2 honky-dory.

3 Q. Do you know how often your wife
4 received those e-mails?

5 A. No, I can't answer that, I don't know.

6 Q. Did you ever ask her, ask your wife, if
7 she ever got more than one e-mail from Truelink?

8 A. No. I don't recall asking her that.

9 Q. Do you know when you purchased the
10 credit monitoring service from Truelink?

11 A. I can't give you exact date.

12 Q. Can you give me a rough date?

13 A. I think it was like after the police
14 report or some time around there.

15 Q. Okay.

16 A. In general.

17 Q. Do you know what year that was?

18 A. I think it was 2003, I think.

19 Q. And you told us today that you think
20 the product that Truelink sold to you doesn't
21 work, right?

22 A. Yes, sir.

23 Q. And could you tell me in what ways the
24 product doesn't work?

25 A. Doesn't tell you if somebody's using

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1 your Social Security number.

2 Q. Any other problems that you have with
3 the product?

4 A. Well, it says it's supposed to protect
5 me from identity theft, I'm not even sure it
6 does that.

7 Q. So you don't know? It may, but you
8 don't know, is that right?

9 A. Yes, sir.

10 Q. Okay. And to your knowledge, you
11 haven't been the victim of identity theft, other
12 than this use by Mr. Perez of your Social
13 Security number, right?

14 A. That's correct.

15 Q. Okay. Any other problems that you have
16 with the Truelink credit monitoring service?

17 A. I think you should change your
18 advertising.

19 Q. So, you're not happy with the
20 advertising, right?

21 A. Correct.

22 Q. Okay. But you haven't seen the
23 advertising since that very first day in 2003
24 since you looked at it, right?

25 A. Correct.

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1 Q. When do you think Mr. Perez first began
2 using your Social Security number?

3 A. When I first found out, I think it was
4 like he's been using it for 13 years.

5 Q. And, actually, let me direct your
6 attention to Page 2 of Millett Exhibit No. 1.
7 Paragraph 8 there on the bottom of Page 2,
8 Mr. Millett, says, quote, "On or about 1989 an
9 individual using the names Abundio P. Cuatle or
10 Abundio Cuatle or Abundio Perez or other similar
11 aliases began to use Plaintiff Steven Millett's
12 Social Security number." Do you see that, sir?

13 A. Yes.

14 Q. And that's consistent with what you
15 just said, that he had been using it for 13
16 years or so, right?

17 A. Right.

18 Q. Okay. How do you know that this use of
19 your Social Security number began as early as
20 1989?

21 A. My wife obtained that. She had that
22 information from somebody, I can't recall who.

23 Q. Okay. To your knowledge, has your
24 credit report information ever been accessed by
25 a company that was considering extending credit

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1 quote, "had adversely impacted your credit
2 histories, credit reports and credit scores"?

3 A. I believe that.

4 Q. Okay. Do you have any facts to support
5 that belief?

6 A. Well, I should have got a first time
7 buyer for my home.

8 Q. And were you ever told you're not
9 getting that because --

10 A. Nobody ever told me that, no.

11 Q. And then Paragraph 17 of the pleading,
12 it states that you and your wife discovered that
13 Bank of Amer Corporation maintained an account
14 for an individual who was fraudulently and
15 criminally utilizing the Social Security of
16 yourself, right?

17 A. Yes, sir.

18 Q. And that's consistent with your
19 testimony today?

20 A. Yes, sir.

21 Q. Okay. But, at that time, you didn't
22 believe that that was a result -- well, wait a
23 minute. So, in August of 2002, did you learn
24 that there was somebody out there who was
25 fraudulently and criminally using your Social

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1 Security number?

2 A. I had inklings.

3 Q. Okay. And that was why you and your
4 wife decided to buy the Equifax credit
5 monitoring product, right?

6 A. Right.

7 Q. Okay. Does that refresh your
8 recollection that you may have bought the
9 Equifax product in 2002?

10 A. I'm sorry, I'm getting confused again.
11 Yeah, we bought it some -- I think we bought it
12 like -- I can't remember.

13 Q. Okay.

14 A. I can't answer that.

15 Q. And then the next paragraph of your
16 pleading states that, "On January 24, 2003, you
17 discovered that you couldn't use Ford's online
18 payment system because some other individual was
19 using your Social Security number for the same
20 purpose," right?

21 A. Yes, sir.

22 Q. Okay. So, by January 2003, you knew
23 that there was a guy out there misusing your
24 Social Security number, right?

25 A. Yes, sir.

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1 this misuse of your Social Security number?

2 A. I can't remember.

3 Q. Well, did you do anything yourself to
4 investigate?

5 A. I think I turned it all over to my
6 wife.

7 Q. Why did you do that?

8 A. Because she's better at numbers,
9 remembering.

10 Q. Were you concerned when you discovered
11 that this gentleman was using your Social
12 Security number?

13 A. Yes, sir.

14 Q. And what were you concerned about?

15 A. He was just out there buying up the
16 world.

17 Q. Do you recall that you and your wife
18 decided you had to look at your credit reports
19 now that you've learned somebody was using your
20 Social Security number?

21 A. Right.

22 Q. Okay. And did you do that?

23 A. I think my wife did.

24 Q. Okay. And she got credit reports from
25 each of the three major credit bureaus, right?

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1 A. Right.

2 Q. Okay. Did you ever look at those
3 credit reports?

4 A. I, yeah, I -- I don't see anything,
5 remember anything specific, but I think I looked
6 at them.

7 Q. And what was your purpose in looking at
8 those credit reports?

9 A. I was just seeing if there was Abundio
10 Perez anywhere.

11 Q. Was there?

12 A. No, not that I recall, no.

13 Q. So you got credit reports from Trans
14 Union, Experian and Equifax, right?

15 A. Right.

16 Q. Okay. And none of those credit reports
17 had any mention of Mr. Perez, right?

18 A. As far as I know, right.

19 Q. And none of those credit reports had on
20 them credit accounts that were Mr. Perez's,
21 right?

22 A. As far as I know, yes.

23 Q. And none of those credit reports
24 indicated that your credit report had been
25 accessed by somebody who was considering giving

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1 to hand you what's been marked Millett Exhibit
2 No. 4, which I'll represent to you are more
3 pages that your lawyers have produced in this
4 case.

5 (Millett Exhibit 4 was marked for
6 identification by the reporter.)

7 Q. (BY MR. O'NEIL) Tell me if you've seen
8 any of these pages before.

9 A. Yeah, I've seen this before.

10 Q. Okay. And do you recall that in April
11 2003, at the request of your wife, Trans Union
12 performed an investigation?

13 A. Okay.

14 Q. Do you recall that, sir?

15 A. I remember this document.

16 Q. Okay. Let me take you to the second
17 page of Exhibit No. 4, Mr. Millett. It says,
18 "Dear Consumer: This will acknowledge receipt
19 of your recent correspondence." Do you recall
20 that you actually sent correspondence to Trans
21 Union prior to April 23, 2003?

22 A. I think my first lawyer did.

23 Q. Okay. You think it was your lawyer who
24 did it?

25 A. Yeah, that's what I think, yeah.

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1 of your Social Security number, correct?

2 A. Yes, sir.

3 Q. And no other bureau did this, right?

4 A. Correct.

5 Q. And they -- and Trans Union did this
6 for free; isn't that correct?

7 A. I believe so.

8 Q. Whose handwriting is on these pages,
9 sir?

10 A. My wife's.

11 Q. Did you contact any of these companies
12 that Trans Union identified for you?

13 A. No.

14 Q. Your wife did?

15 A. Yes, sir.

16 Q. Do you recall talking with your wife
17 once you got this letter from Trans Union?

18 A. Yeah.

19 Q. And what did the two of you discuss at
20 that time?

21 A. Like how many accounts was on here.

22 Q. Okay. Were you grateful that finally
23 you were given some information after Bank of
24 America and Ford Motor and Equifax and Experian
25 wouldn't give you the information?

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1 A. Yes.

2 MR. O'NEIL: Let's go off the
3 record.

4 VIDEOGRAPHER: We are now going
5 off the record at 11:03 AM.

6 (Recess.)

7 VIDEOGRAPHER: It is now 11:12
8 and we are back on the record. You may
9 continue.

10 Q. (BY MR. O'NEIL) Mr. Millett, I wanted
11 to tell you something I've never told a witness
12 in the middle of a deposition, which is that I
13 appreciate your patience and we're making some
14 good progress today. So I just wanted to let
15 you know that.

16 MR. CLOON: How about my
17 patience?

18 MR. O'NEIL: You know what,
19 that's a good point. Because I did thank you
20 for your patience, but it was off the record.
21 So, for the record, Mr. Cloon should also be
22 commended. I've got nothing to say about
23 Mr. Grissom.

24 MR. CLOON: It's early. Sorry.

25 Q. (BY MR. O'NEIL) I think you told us

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1 A. You'd have to ask her that.

2 Q. Well, actually, I'm asking about your
3 knowledge. To your knowledge, has she ever --

4 A. No, I never physically saw her push the
5 buttons on the phone and called Truelink.

6 Q. Okay. Did she ever tell you that she
7 called Truelink?

8 A. I don't remember.

9 Q. Even if you hadn't seen her push the
10 buttons? Did she ever tell you that she called
11 Truelink?

12 A. She called a lot of people, I don't
13 remember who all she called.

14 Q. Did she ever tell you that she called
15 Truelink?

16 A. I don't think she ever said that, no.

17 Q. Did she ever tell you that she was
18 unhappy with the products that were purchased
19 from Truelink?

20 A. I don't ever recall her saying that
21 specifically, no.

22 Q. Did you understand that in order to
23 purchase the product from Truelink, you had to
24 agree to the terms of the contract between you
25 and Truelink?

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1 since you purchased the Truelink product, have
2 you suffered any other harm as a result of
3 Truelink not delivering what you believe it
4 promised?

5 MR. CLOON: Same objection.

6 A. I'm not understanding the question very
7 well.

8 Q. (BY MR. O'NEIL) Okay. Well, I mean,
9 you're claiming Truelink's product wasn't what
10 it promised, right?

11 A. Correct.

12 Q. And I think you also said you think
13 some of the advertising regarding the product
14 was not accurate, right?

15 A. Right.

16 Q. Okay. And so now I'm asking you, okay,
17 Mr. Millett, so what? What harm have you
18 suffered, if in fact what you say is true?

19 MR. CLOON: Same objection.

20 A. I don't know how to answer that.

21 Q. (BY MR. O'NEIL) Why don't you know how
22 to answer it?

23 A. Well, I mean, like I said before, the
24 guy could be out there doing whatever.

25 Q. Okay. Is that your complete answer?

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1 A. Yes, I believe so.

2 Q. What is it that you believe Truelink
3 promised and did not deliver?

4 A. It said it can protect me from identify
5 theft.

6 Q. Okay. And you don't think it's
7 protected you from identity theft?

8 A. Not as far as Social Security numbers
9 are involved.

10 Q. But, sir, you've already testified that
11 you believe Mr. Perez began misusing your Social
12 Security number in 1989. Do you recall that?

13 A. Yes.

14 Q. And also you learned as of April 2003
15 that he had used your Social Security number to
16 open 26 accounts. Do you recall that?

17 A. Yes, sir.

18 Q. Okay. I'll represent to you that in
19 the complaint that your lawyers filed, it state,
20 quote, "Plaintiffs purchased the credit
21 monitoring service on or about August 2, 2003."
22 Okay. So, you're not blaming Truelink for
23 anything that occurred prior to August 2, 2003,
24 are you?

25 A. Right.

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1 Q. Okay. So, if in fact you were a victim
2 of identity theft or if in fact as it appears
3 this guy misused your Social Security number
4 prior to August 2, 2003, you can't blame
5 Truelink for that, right?

6 A. Right.

7 Q. And you don't have any evidence that
8 there's been additional identity theft that has
9 occurred since August 2nd, 2003, do you?

10 A. Right.

11 Q. Are there any other ways that you think
12 Truelink's alleged failure to deliver what it
13 promised has hurt you?

14 A. Well, I just -- I mean, if you said in
15 your advertisement that this doesn't protect
16 from Social Security fraud, then we probably
17 wouldn't have bought it.

18 Q. Really? Is that your testimony today?
19 That if Truelink had told you that we're only
20 going to give you information in your credit
21 report and not information in another person's
22 report, that you wouldn't have bought the
23 product; is that your testimony?

24 A. Well, it said it would protect me from
25 identity theft.

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1 Q. Okay. And do you understand that that
2 was the basis, one of the bases for the Court in
3 California dismissing some of the claims you
4 brought against Experian?

5 A. Okay.

6 Q. Okay. So, go back to my original
7 question. Are you saying that if you had been
8 told by Truelink that we're only going to alert
9 you to changes in your credit report, that you
10 would not have bought the product?

11 A. I'm saying that if they would have said
12 what this product does and doesn't do, then, I
13 mean, we might have bought it and we might not
14 have bought it. If it was all spelled up
15 instead of with the broad statement, well, this
16 is -- we protect you from identify theft.

17 Q. With all due respect, sir, you don't
18 know what Truelink told you in August of 2003
19 about their product, isn't that correct, because
20 you didn't look at it?

21 MR. CLOON: I'm going to object.
22 That's argumentative.

23 Q. (BY MR. O'NEIL) You can answer.

24 A. Can you ask that question again?

25 Q. With the exception of -- somehow this

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1 Q. Meaning three credit bureaus, right?
2 When you say "three in one", are you referring
3 to three credit bureaus?

4 A. Right.

5 Q. Okay. I mean, you understand there's a
6 company called Trans Union?

7 A. Right.

8 Q. And that's a credit bureau? Is that
9 your understanding?

10 A. Right.

11 Q. Do you have an understanding of the
12 business of Truelink?

13 A. It's the credit monitoring.

14 Q. What was your understanding back in
15 August of 2003 of what a credit monitoring
16 product is?

17 A. It would be checking to see if there
18 was activity on my credit report.

19 Q. Trans Union identified for you the
20 credit accounts for which Mr. Perez was using
21 the Social Security number; isn't that correct?

22 A. Yes.

23 Q. Was there some additional information
24 you wanted from Trans Union regarding those
25 accounts?

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1 that's why --

2 A. Okay.

3 Q. -- that's why I asked you did you
4 understand they were a separate company?

5 A. Yes, sir. I'm sorry.

6 Q. You don't have to apologize. So, now
7 my question is, I understand that it's your
8 belief and your understanding that your wife
9 told Trans Union about the misuse of your Social
10 Security number by Mr. Perez, right?

11 A. Yes, sir.

12 Q. Okay. Now my question is, do you have
13 any reason to believe that your wife informed
14 Truelink of that fact?

15 A. I can't -- I can't answer for my wife.
16 I don't know.

17 Q. Okay. Have you ever told Truelink,
18 separate and apart from the filing of this
19 lawsuit, have you ever told Truelink that you
20 weren't happy with the product that you were
21 paying for?

22 A. Not me, no.

23 Q. To your knowledge, has your wife ever
24 informed Truelink that the two of you were not
25 happy with the product that Truelink was selling

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1 no, strike that, I don't know if --

2 Did you ever have a conversation with
3 your wife about the fact that you had once sued
4 Trans Union and then you dismissed that lawsuit?

5 A. I can't remember.

6 Q. Did you ever have a conversation with
7 your wife that after that dismissal you sued
8 Truelink?

9 A. I can't answer. I don't remember.

10 Q. Do you know where the lawsuit against
11 Truelink, do you know where that lawsuit is
12 pending? What state of the country?

13 A. It's Delaware.

14 Q. Okay. Do you recall that you initially
15 sued them in Kansas?

16 A. Right. That's when it started.

17 Q. Now, you told us earlier that you were
18 not blaming Truelink for any identity theft that
19 occurred before you first purchased the product
20 in August of 2003. Do you recall that?

21 A. Could you repeat the question again?

22 Q. Sure. This morning I was asking about
23 the harm that you suffered because the Truelink
24 product allegedly didn't do what you thought it
25 was going to do. Do you recall that

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1 A. Well, it's --

2 Q. Did you ask for a copy of it?

3 A. Well, yeah, but I mean, there's e-mails
4 and I just -- I never --

5 Q. Why couldn't you get a copy of it?

6 A. I just couldn't get a copy of it.

7 Q. Who did you ask?

8 A. I asked -- I asked the -- I asked my
9 wife if she had a copy.

10 Q. And what did she say?

11 A. She'd have to get an e-mail from Joyce
12 Yeager.

13 Q. But your wife wasn't able to obtain a
14 copy of this for you to review in advance of
15 your deposition?

16 A. No. I -- no.

17 Q. So, when did you see this document
18 then?

19 A. I think whenever the lawyers handed it
20 out, I think.

21 Q. Let me direct your attention to the
22 second page of this exhibit, Mr. Millett.

23 A. Second page.

24 Q. If you see Interrogatory No. 4 there,
25 sir. And it asks for some specific information

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1 regarding each time that you visited the
2 website. Do you see that, sir?

3 A. Yes.

4 Q. And the response is, quote, begins,
5 quote, "My wife as my agent visited the Trans
6 Union website often," closed quote. Do you see
7 that, sir?

8 A. Yes, sir.

9 Q. And that's a sentence that your wife
10 wrote, right?

11 A. Right.

12 Q. Do you know what it means to describe
13 your wife as your agent?

14 A. She's working for my -- under my
15 behalf.

16 Q. Okay. And it says that she visited the
17 Trans Union website. And I'll represent to you
18 that there are, and we'll go through it in these
19 answers, there's references to Trans Union in
20 almost every answer. At the time that your wife
21 answered these interrogatories for you, you
22 weren't aware that you were using Truelink,
23 right?

24 MR. CLOON: Objection. It's been
25 asked and answered on a variety of occasions.

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1 financial and household management affairs for
2 our family. She has disputed many accounts on
3 our behalf. We do not feel as if we know about
4 all of the accounts which should be closed. I
5 know that she had to close accounts which
6 appeared on the letter we got from Trans Union.
7 Do you see that, sir?

8 A. Yes.

9 Q. You don't have any information
10 regarding her disputing accounts, do you?

11 A. I mean, what do you mean?

12 Q. Okay. Well, I mean, what does it mean
13 to dispute an account? Do you have an
14 understanding of what that means?

15 A. That you're saying something's wrong.

16 Q. Okay. What accounts was your wife
17 disputing, if you know? Do you know?

18 A. You'd have to ask her.

19 Q. Some day maybe I will, but right now
20 I'm asking, do you have any idea what accounts
21 she was allegedly disputing?

22 A. I think the ones on that Trans Union
23 letter here.

24 Q. So, she was disputing the accounts that
25 were on Mr. Perez's file? Is that what you

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1 mean? Or is that what you think?

2 A. I think she's disputing all these.

3 Q. Okay. I mean, are you guessing there
4 or do you know that?

5 MR. CLOON: For the record --

6 A. Yes.

7 MR. CLOON: -- the record the
8 reference was to the --

9 A. Yes, these are the accounts she was
10 closing.

11 Q. (BY MR. O'NEIL) Okay. She never
12 disputed accounts that were on your credit
13 report, did she?

14 A. Okay, repeat the question.

15 Q. Mrs. Millett never disputed accounts
16 that were on your credit report, did she?

17 A. I don't -- I don't remember.

18 Q. Okay. You don't recall seeing any
19 accounts on your credit report that you
20 disputed, do you?

21 A. That's right.

22 Q. Okay. Your interrogatory answer goes
23 on to say, quote, "I know that she had to close
24 accounts which appeared in the letter from Trans
25 Union," closed quote. Do you see, though, sir?

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1 number?

2 A. Yeah, but it wasn't showing up on here.

3 Q. So, did you realize then that this
4 credit monitoring product is not going to tell
5 you about things that occur outside of your
6 credit report?

7 A. That's the conclusion I came to.

8 Q. And did you have a conversation with
9 your wife at that point about that fact?

10 A. Yeah, something along those lines,
11 yeah.

12 Q. Tell me about that conversation. What
13 did you tell -- what did you say to her when you
14 realized that just like Experian and Equifax,
15 TruLink wasn't going to be telling you as part
16 of their credit monitoring service that
17 Mr. Perez was using your Social Security number?

18 A. That's the basic conversation right
19 there.

20 Q. And what was your wife's response?

21 A. We didn't understand.

22 Q. So, did you suggest to her at that
23 point that you might as well cancel this
24 subscription?

25 A. I don't think we discussed that, no.

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1 Q. Did you tell her, you know, Melody, I'm
2 thinking that maybe this credit monitoring
3 service only tells me about my credit report and
4 not Mr. Perez's credit report?

5 MR. CLOON: Object to form.
6 Leading and suggestive.

7 Q. (BY MR. O'NEIL) You can answer.

8 A. Can you repeat that, sir?

9 Q. Sure, I'll rephrase it. Did you
10 suggest to your wife that if what you say is
11 true, you were both mistaken in believing that
12 the credit monitoring service would alert you to
13 changes outside of your own credit report?

14 A. I think we were thinking that we'd see
15 something on my credit report that he's out
16 there charging stuff, that's what my assumption
17 was.

18 Q. And you never saw those?

19 A. Right. Correct.

20 Q. So, your assumption was wrong, right?

21 A. Right.

22 Q. And you knew that pretty early on,
23 didn't you?

24 A. We were just trying to compare
25 information between the three credit

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1 monitorings.

2 Q. And they were all the same, no -- none
3 of those credit monitoring products by any of
4 those companies ever told you that Mr. Perez was
5 using your social Security number, isn't that
6 correct?

7 A. Yes.

8 Q. Did you continue to believe, however,
9 that some day Truelink was going to provide that
10 information to you?

11 A. Well, they shouldn't -- they shouldn't
12 advertise that they'd protect me from identity
13 theft, they just protect with name theft and
14 credit card.

15 MR. O'NEIL: Could you restate
16 the question for Mr. Millett? I'll ask you to
17 answer the question.

18 (Whereupon, the requested portion
19 of the record was read by the reporter.)

20 A. Through their credit monitoring?

21 Q. (BY MR. O'NEIL) Yes.

22 A. No.

23 Q. You realized you weren't going to get
24 that information through any credit monitoring
25 service, right?

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1 A. Correct.

2 Q. And you realized that if you or your
3 wife in fact had actually believed that that was
4 what these services did, that you were wrong,
5 right?

6 A. Yes, sir.

7 Q. When you saw that one e-mail that your
8 wife got from True Credit, did you click on the
9 link to get the more information that was behind
10 the e-mail?

11 A. No, sir.

12 Q. Let me go back to your interrogatory
13 answers, which is Exhibit No. 6, Mr. Millett.
14 If you could take a look at that. And, again, I
15 apologize these pages don't seem to be numbered,
16 but if you can go to the sixth page --

17 A. Just put me in the right spot.

18 Q. Yeah, the sixth page, Mr. Millett.
19 Actually, I want to ask you to go back one page
20 to Interrogatory No. 7, on the bottom of the
21 prior page.

22 A. Okay.

23 Q. Here you are asked if you claim to have
24 suffered any economic loss as a result of the
25 conduct of Truelink alleged in the fourth

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1 A. Okay.

2 Q. Is it your belief, and I'm asking you
3 as you sit here today under oath, is it your
4 belief that you could not get credit because of
5 the conduct of Truelink as alleged in your
6 complaint?

7 A. I'd have to answer it's a mixture of
8 things.

9 Q. So, it's you couldn't get credit
10 because of things other than the conduct of
11 Truelink?

12 A. I'd say it's all one big mess.

13 Q. What conduct of Truelink made it
14 impossible for you to get credit?

15 A. I can't -- I don't know. I can't
16 answer that.

17 Q. Were you ever denied credit?

18 A. I couldn't get some credit cards I
19 think.

20 Q. You think? What credit cards could you
21 not get?

22 A. I can't remember specifically which
23 ones they were.

24 Q. Was this prior to August of 2003 that
25 you couldn't get credit?

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1 A. I don't remember when.

2 Q. What conduct of Truelink contributed to
3 you not being able to get a credit card?

4 A. I don't know.

5 Q. Your answer also says, "We had to pay
6 extra money for insurance, too." What insurance
7 did you have to pay extra money for?

8 A. I think, I can't remember if it was All
9 State.

10 Q. What kind of insurance is that, sir?

11 A. It's for the cars and the house.

12 Q. Okay. And why couldn't -- why did you
13 have to pay extra money for insurance with All
14 State?

15 A. Because my credit score wasn't as high
16 as it should be.

17 Q. Okay. And was that because you didn't
18 have many credit accounts?

19 A. No, I believe because of this Abundio.

20 Q. Do you have any evidence of that,
21 Mr. Millett?

22 A. No, that's what I believe.

23 Q. What's the reason why you believe that
24 Mr. Perez's conduct made your All State
25 insurance more expensive?

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1 A. Because I feel like he lowered my
2 credit score because he's out there charging
3 stuff.

4 Q. Is that your complete answer?

5 A. Yeah, I guess so. Yeah.

6 Q. Do you think the conduct of Truelink
7 somehow contributed to --

8 A. I don't know.

9 Q. Let me finish my question. Do you
10 think that the conduct of Truelink made your All
11 State insurance more expensive?

12 A. I don't know. I can't answer that.

13 Q. Well, actually, you did answer it and
14 you said, yes. You said that, yes, conduct of
15 Truelink made you have to spend a lot more money
16 to get insurance. Are you withdrawing that
17 statement now, sir?

18 A. I think it all contributed.

19 Q. You also state that you had to borrow
20 money for your home from the family trust. Do
21 you see that, sir?

22 A. Yes, sir.

23 Q. Was the alleged failure of Truelink to
24 deliver a credit monitoring product that you
25 think they promised somehow require you to

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1 borrow money from a family trust?

2 A. Can you repeat the question?

3 Q. Do you think that somehow Truelink's
4 alleged failure to deliver a credit monitoring
5 product that it allegedly promised, somehow
6 required you to borrow money from your family
7 trust?

8 A. I'd say yeah.

9 Q. And how did that -- why do you think
10 that those two things are connected?

11 A. I think it's all connected.

12 Q. Sir, I'm not asking about all. I'm
13 asking about the conduct alleged by Truelink.
14 The failure of Truelink to deliver the product
15 that you think it promised, how did that
16 contribute to you having to spend -- you having
17 to borrow money from a family trust?

18 A. Because I couldn't get a mortgage rate.

19 Q. And you think that that was because of
20 some conduct by Truelink?

21 A. I can answer it this way, I think it's
22 -- I think so, yeah.

23 Q. Okay.

24 MR. O'NEIL: We apparently have
25 to change the tape, so let's go off the record.

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1 VIDEOGRAPHER: We are now going
2 off the record at 2:15 PM.

3 (Recess.)

4 VIDEOGRAPHER: It is now 2:17 PM
5 and we are back on the record. You may
6 continue.

7 MR. CLOON: For the record, I
8 have a statement. Off the record, I advised
9 counsel that we have amended or supplemented
10 these answers to Interrogatories 7, 8, 9 and 10,
11 and basically withdrew the damages as set out in
12 the original answer to Interrogatories 7, 8, 9
13 and 10. But if you wish to inquire, I'm going
14 to object that it's no longer relevant to that
15 line of questioning.

16 MR. O'NEIL: Well, I don't want
17 to get into debate, but you did mischaracterize
18 the supplement to the interrogatory responses,
19 and I sure as hell don't want to waste
20 Mr. Millett's time having you and I debate the
21 relevance of this line of questioning. Your
22 relevance objection is noted, and we'll just
23 move on.

24 MR. CLOON: Thank you.

25 Q. (BY MR. O'NEIL) Mr. Millett, that same

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1 response a few lines down says, quote, "I
2 remember sometimes my wife ordered a credit
3 report because Trans Union told us there was a
4 change, and then the report did not have a
5 change on it," closed quote. Do you see that,
6 sir?

7 A. Yes.

8 Q. But you now know that it was actually
9 Truelink who was advising of changes in your
10 report, right? It was Truelink that was
11 providing you the credit monitoring service,
12 right?

13 A. Yes.

14 Q. Okay. Does this refresh your
15 recollection that your wife ordered credit
16 reports from Truelink?

17 A. Yes.

18 Q. Okay. Because this morning you recall
19 you testified that you thought it was just
20 credit monitoring that you purchased from
21 Truelink? Do you remember that?

22 A. Yes, sir.

23 Q. Okay. But now this interrogatory
24 answer that your wife prepared, that reminds you
25 that you actually purchased credit reports too?

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